

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

CHARLES L. DAVIS)
v.) No. 2:05-CV-328
LIEUT. MINTHORN, OFFICER D.)
COLLINS, SGT. EDEN, CHAPLAIN)
BARBER, CAP'T FINLEY, N. HALL,)
LIEUT. MITCHELL, T. PHILLIPS,)
and MAJOR DOWNS)

ORDER OF JUDGMENT

In accordance with the accompanying memorandum and order, this *pro se* former prisoner's civil rights action under 42 U.S.C. § 1983 is **DISMISSED without prejudice** for failure to exhaust administrative remedies. Should the plaintiff wish to appeal, he is **DENIED** leave to proceed *in forma pauperis* because any appeal in this matter would not be taken in good faith and would be frivolous. *See* 28 U.S.C. § 1915(a)(3).

IT IS SO ORDERED.

ENTER:

s/ Leon Jordan

United States District Judge

ENTERED AS A JUDGMENT
s/ Patricia L. McNutt
CLERK OF COURT